

REMARKS

This responds to the Final Office Action mailed July 5, 2007. Claims 1, 4-7, and 11-12 are pending in the application. Claims 8-10 and 13 were withdrawn from consideration. Claims 2 and 3, and withdrawn claims 8-10 and 13, are canceled without prejudice or disclaimer. No new matter is added with the amendment. With the entry of this Amendment, claims 1, 4-7, 11 and 12 are pending for consideration.

Applicant thanks Examiner Gussow and Supervisory Examiner Helms for the courtesy of a telephonic interview on October 4, 2007. The above amendment to claim 1 is the amendment discussed during the interview.

I. Claim Rejections - 35 USC § 112

The Examiner maintained the rejection of claims 1, 4-7, and 11-12 under 35 USC § 112, first paragraph, is maintained. According to the Examiner, the art suggests cytokeratin is not a reliable marker of tumor cells and since the claims do not require the cytokeratin marker detected in step b to be the same marker as in the preamble and the claims do not define the specific tumor type, undue experimentation would be necessary to practice the claimed methods with a reasonable expectation of success.

Applicant respectfully traverses this rejection. However, in further response, applicant has amended claim 1 to clarify that the tumors to be detected according to the invention are tumor cells that express any of cytokeratins 1-20. Thus, tumor cells that do not express such cytokeratins would not be encompassed by the present claims. In view of this amendment and explanation, applicant asserts that the Examiner's concern is obviated.

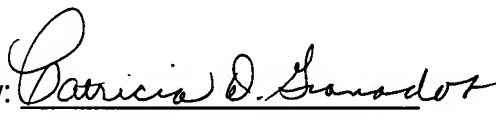
CONCLUSION

Applicant again thanks Examiner Gussow and Supervisory Examiner Helms for the interview. In light of the above amendments and comments, Applicant respectfully requests that all rejections and objections be withdrawn and that a timely Notice of Allowance should be issued in this application.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing attorney docket number 029368.00003.

Respectfully submitted,

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